



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO EXAMINE ISSUES RELATED TO THE DETERMINATION OF MEDICAID ELIGIBILITY FOR NURSING HOME CARE AND TO PROVIDE A REPORT TO THE 62ND LEGISLATURE.

WHEREAS, frail elderly Montanans who need nursing home care and their families who assist them are experiencing difficulties with the application process by which Medicaid eligibility is determined; and

WHEREAS, it is often difficult for family members to obtain all of the documentation required because some of the original transactions occurred 30 or more years ago; and

WHEREAS, Montana nursing homes often wait months for eligibility to be determined and receive no payment during this period of time; and

WHEREAS, the federal and state laws and regulations related to Medicaid eligibility are very complex and subject to changing interpretation, making it difficult for those applying for Medicaid to understand and comply; and

WHEREAS, it is important that procedures and interpretations used in determining eligibility be understandable and reasonable, while at the same time ensuring that only those who meet eligibility criteria are deemed eligible to receive Medicaid benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Public Health and Human Services work in cooperation with all appropriate stakeholders, including nursing home care providers, consumers, and other interested parties, to examine the issues related to difficulties being encountered by nursing homes and those seeking medical assistance for a nursing home stay.

BE IT FURTHER RESOLVED, that the study should include but is not limited to:

(1) identifying and examining difficulties experienced by those applying for Medicaid nursing home

services;

(2) identifying and examining difficulties experienced by nursing homes related to the admission and care of those applying for Medicaid assistance;

(3) identifying and examining which parts of the eligibility determination process are dictated by state or federal laws and regulations;

(4) identifying and examining which parts of the eligibility determination process are based on state interpretations, policies, and procedures;

(5) identifying and examining any possible solutions to the issues and concerns presented by consumers and providers, including but not limited to discussion of expanded use of hardship provisions, more clarity with respect to expectations, establishment of parameters for what constitutes a good faith effort to obtain information sought by the state, provision of more specific information about the legal basis for denial of eligibility, financial relief to facilities that admit residents in crisis pending eligibility determination, and ability of applicants to transfer or assign annuities, life insurance policies, and property to the state when there is a dispute about the liquidity or value of the property;

(6) identifying and examining any costs related to identified solutions; and

(7) identifying and examining any other issues and concerns considered pertinent to the study.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services report at least quarterly to the Children, Families, Health, and Human Services Interim Committee on the status of the study and that the Department prepare a final report, including any findings, conclusions, comments, or recommendations for the 62nd Legislature.

- END -

I hereby certify that the within joint resolution,
HJ 0025, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE JOINT RESOLUTION NO. 25
INTRODUCED BY WARBURTON, O'HARA, FRENCH

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